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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,671	04/13/2004	Naoto Matsunami	500.39094CX1	2869
24956 7590 10/04/2007 MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			EXAMINER INGBERG, TODD D	
			ART UNIT 2193	PAPER NUMBER
			MAIL DATE 10/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/822,671

Applicant(s)

MATSUNAMI ET AL.

Examiner

Todd Ingberg

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-33 is/are pending in the application.
- 4a) Of the above claim(s) 1 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/9/07
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Art Unit: 2193

DETAILED ACTION

Claims 2 – 33 have been examined.

Claims 30 – 33 have been added

Information Disclosure Statement

1. The Information Disclosure Statements filed July 9, 2007 has been considered. Prior action the Patent Literature had not been initialized.

Specification

2. The Examiner will provide the title of the invention at time of allowance.

Claim Objections

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 3 – 11 and 17 – 25 must be renumbered with response to this action.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2193

5. Claims 2, 12 – 15, 16 and 26 – 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over HP as documented in the 1995 text book of Nathan Muller, titled “Focus on HP OpenView” in view of Bear Software’s Magic Disk (Magic).

Note

Magic Disk is a product that allows a virtual volumes to be identified by symbol which point to logical units. This reference was added to emphasis details of the claimed invention.

Claim 2

HP teaches a computer program on a computer readable medium for a computer system which includes a first computer, a second computer (HP, page 181, Figure 8-7, Target and Controller), a management computer operated by an operator (HP, page 182, Software Management, last paragraph, Administrator) to install a target program and a storage system coupled to said first computer (HP, page 181, Figure 8-7, Depot), said second computer and said management computer (As per above), wherein said storage system includes **at least one disk unit upon which are formed a plurality of logical units which include** a shared logical unit (Magic, Chapter 4, Using Virtual Disks, Chapter 4, page xxxvi, top of page multiple on a physical disk) **accessible** by each of said first computer (HP, page 180, Network for distribution and the environments of shared devices (intended use of HP OpenView) see page 50 – Internet) , said second computer, and said management computer (As per above) , a first logical unit **accessible** by said first computer, and a second logical **unit accessible** by said second computer (HP, page , Software Distributor to install on Controller and on Target - also reads on HP, page 220, Configuring Workstations note new files downloaded), wherein said computer program when executed causes said computer system to perform the steps of:

controlling said first computer and said second computer from said management computer to start a process executed by an install agent of each of said first computer and said second computer (HP, page 179, Software Distributor, “... it is essential that application revision changes at both ends be synchronized.” and HP, page 180 Distribution Overview), **for installing a program;**

loading an installer program stored in said shared logical unit **of said storage system** into each of said first computer and said second computer by the install agent (HP, page 180, Distribution Depots, Software Distributor allows depots to distribute software packages to multiple target software simultaneously and allow depots to be distributed on various servers. It also allows administrators to manage (create, populate, list and verify and remove) distribution depots” As in load installers in distribution depot, and “HP page 182, first paragraph installed”);

installing, according to the installer program on said first computer, a target program for said first computer by controlling transfer of said target program previously stored in said shared logical unit to said first logical unit (HP, page 180, over network); and

Art Unit: 2193

installing (HP, page 182, installed), according to the installer program on said second computer a target program for said second computer by controlling transfer of said target program previously stored in said shared logical unit to said second logical unit (distribution depot from above), wherein upon performing said installing steps, said first computer can use said target program stored in said first logical unit and said second computer can use said target program stored in said second logical unit (Intended use – purpose of installing software is to use it).

Claim 12

A computer program according to claim 2, wherein said computer program when executed causes said computer system to further perform the step of:

obtaining information indicating the condition of the process for installing said target program by said management computer. (HP, page 166, DSI Agents, thresholds such as disk space and page 181, second paragraph)

Claim 13

A computer program according to claim 12, wherein said information indicating the condition of the process for installing said target program is given through a logical unit included in said storage system. (HP, page 166, DSI Agents, thresholds such as disk space and the RPC).

Claim 14

A computer program according to claim 2, wherein the step of installing said target program for said first computer includes the substeps of:

transferring a file copy request from said first computer to said storage system, and

copying said target program from said shared logical unit to said first logical unit in response to said file copy request by said storage system; and

wherein the step of installing said target program for said second computer includes the substeps of:

transferring a file copy request from said second computer to said storage system, and

copying said target program from said shared logical unit to said second logical unit in response to said file copy request by said storage system. As per claim 2.

Claim 15

An install method according to claim 2, wherein said first computer, said second computer and said storage system are coupled to each other through a connector,

wherein the step of installing said target program for said first computer includes the substeps of:

transferring a file copy request from said first computer to said connector, and copying said target program from said shared logical unit to said first logical unit in response to said file copy request by said connector, and

wherein the step of installing said target program for said second computer includes the substeps of:

Art Unit: 2193

transferring a file copy request from said second computer to said connector, and copying said target program from said shared logical unit to said second logical unit in response to said file copy request by said connector. As per claim 2.

Claim 30

A computer program according to claim 2, wherein each of said first computer and said second computer uses a logical unit number for accessing a logical unit in said storage system and executes a program in the logical unit. (Magic, Chapter 4, page xxxvi, top of page multiple on a physical disk) and HP the execution of the downloaded program as per claim 2).

Claim 31

A computer program according to claim 30, wherein each of said first computer and said second computer connects said storage system via a fibre channel network and said logical unit and executes a program in the logical unit. (HP, pages 274-275, fiber channel)

Claim 16

A computer program on a computer readable medium for a management computer in a computer system which includes a first computer, a second computer, said management computer operated by an operator to install a target program and a storage system coupled to said first computer, said second computer and said management computer, wherein said storage system includes at least one disk unit upon which are formed a plurality of logical units which include a shared logical unit accessible accessed by each of said first computer, said second computer, and said management computer, a first logical unit accessible accessed by said first computer, and a second logical unit accessible accessed by said second computer, wherein said computer program when executed causes said management computer to perform the steps of

controlling said first computer and said second computer to start a process executed by an install agent of each of said first computer and said second computer for installing a program; loading an installer program stored in said shared logical unit of said storage system into each of said first computer and said second computer by the install agent;

installing, according to the installer program on said first computer, a target program for said first computer by controlling transfer of said target program previous stored in said shared logical unit of said storage system from said shared logical unit of said storage system to said first logical unit of said storage system; and installing, according to the installer program on said second computer a target program for said second computer by controlling transfer of said target program previous stored in said shared logical unit of said storage system from said shared logical unit of said storage system to said second logical unit of said storage system, wherein upon performing said installing steps, said first computer can use said target program stored in said first logical unit and said second computer can use said target program stored in said second logical unit. See the rejection for claim 2.

Art Unit: 2193

Claim 32

A computer program according to claim 16, wherein each of said first computer and said second computer uses a logical unit number for accessing a logical unit in said storage system and executes a program in the logical unit. See the rejection for claim 30.

Claim 33

A computer program according to claim 32, wherein each of said first computer and said second computer connects said storage system via a fibre channel network and said logical unit and executes a program in the logical unit. See the rejection for claim 31.

Claim 26

A computer program according to claim 16, wherein said computer program when executed causes said computer system to further perform the step of:

obtaining information indicating the condition of the process for installing said target program by said management computer. See the rejection for claim 12.

Claim 27

A computer program according to claim 26, wherein said information indicating the condition of the process for installing said target program is given through a logical unit included in said storage system. See the rejection for claim 13.

Claim 28

A computer program according to claim 16, wherein the step of installing said target program for said first computer includes the substeps of:

transferring a file copy request from said first computer to said storage system, and copying said target program from said shared logical unit to said first logical unit in response to said file copy request by said storage system; and wherein the step of installing said target program for said second computer includes the substeps of: transferring a file copy request from said second computer to said storage system, and copying said target program from said shared logical unit to said second logical unit in response to said file copy request by said storage system. See the rejection for claim 14.

Claim 29

An install method according to claim 16, wherein said first computer, said second computer and said storage system are coupled to each other through a connector; wherein the step of installing said target program for said first computer includes the substeps of: transferring a file copy request from said first computer to said connector, and copying said target program from said shared logical unit to said first logical unit in response to said file copy request by said connector, and wherein the step of installing said target program for said second computer includes the substeps of: transferring a file copy request from said second computer to said connector, and copying said target program from said shared logical unit to said second logical unit in response to said file copy request by said connector. See the rejection for claim 15.

Art Unit: 2193

6. Claims 3 – 11 and 17 – 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **HP** and **Magic Disk Installation** (As per above) in view of **USPN # 6,954,930 B2 Drake** filed February 19, 2002.

Claim 3

HP teaches a computer program according to claim 30, wherein said computer program when executed causes said computer system to further perform the steps of:

before performing the step of controlling said first computer and said second computer performing the steps of:

storing said target program in said shared logical unit by said management computer (As per claim 2), and storing the install agent and a control file (As per claim 2) used by the install agent in said first logical unit and said second logical unit.

Although, HP teaches an installer and keeping configurations up to date with the Software Distributor and One of ordinary skill in the art at the time of invention would know how to set up a networked system with a Magic Disk installation to be kept updated by HP OpenView. HP and Magic teach an install agent (As per claim 2 – installer) in a networked environment with magic disk installed. HP and Magic do not explicitly teach the loading of the install agent for distribution. It is Drake who teaches an automated self-installing procedure (Drake, col2 , lines 15 – 19). Therefore, it would have been obvious to one of ordinary skill in the art to use HP in a networked environment with the Magic Disk utility installed to update the installer and software at the same time. Because, “These automated techniques are quite beneficial in enabling the installer to get started with an installation.” (Drake, col 2, lines 34-35).

Claim 4

A computer program according to claim 3, wherein said control file includes the information for identifying said installer program and the information indicating the place where said installer program is stored. agent (HP, page 180, Distribution Depots, Software Distributor allows depots to distribute software packages to multiple target software simultaneously and allow depots to be distributed on various servers. It also allows administrators to manage (create, populate, list and verify and remove) distribution depots” As in load installers in distribution depot, and “HP page 182, first paragraph installed”);

Claim 5

A computer program according to claim 4, wherein said computer program when executed causes said computer system to further perform the step of:

setting the install agent of each of said first computer and said second computer to start at the time of activating of each of said first computer and said second computer from said management computer. (HP, page 179, Software Distributor, “... it is essential that application

Art Unit: 2193

revision changes at both ends be synchronized.” and HP, page 180 Distribution Overview - Both required to be running to synchronize.)

Claim 6

A computer program according to claim 5, wherein before loading an installer program, switching on the power supply of each of said first computer and said second computer under the control of said management computer. (HP, page 220, client configures , downloads files after reboot which happens on power up – switching on power supply deemed manual step required)

Claim 7

A computer program according to claim 6, wherein said control file includes the ID information indicating whether the install work is to be carried out or not, and wherein said computer program when executed causes said computer system to further perform the step of: determining whether the install agent of each of said first computer and said second computer conducts the install work based on said ID information. (HP, page Software Management – IPD).

Claim 8

A computer program according to claim 3, wherein said control file includes key information for permitting said target program to be installed. (HP, page 182, key information for installation is part of Software Distribution Services for OSF)

Claim 9

A computer program according to claim 8, wherein said computer program when executed causes said computer system to further perform the step of:

determining whether said target program is to be installed for each of said first computer and said second computer according to said key information. (HP, page 182, key information for installation is part of Software Distribution Services for OSF)

Claim 10

A computer program according to claim 9, wherein said key information contains an identifier of a computer for which said target program is permitted to be installed, and said substep of determining whether said target program is to be installed includes the substep of comparing the identifier of each of said first computer and said second computer with the identifier contained in said key information. (HP, page 183, Policy Setting- last paragraph – verify that any configuration change complies with predefined guidelines and policies – complying with licensing agreements is a policy to comply the proper key information must be used.)

Claim 11

A computer program according to claim 10, wherein said identifier is a unique address information assigned to the controller board of a computer for coupling to said storage system via a network. (HP, page 45, addressing hardware – Automatic Discovery and page 55, node address)

Art Unit: 2193

Claim 17

A computer program according to claim 32, wherein said computer program when executed causes said management computer to further perform the steps of:

before performing the step of controlling said first computer and said second computer performing the steps of:

storing said target program in said shared logical unit by said management computer, and storing the install agent and a control file used by the install agent in said first logical unit and said second logical unit. See the rejection for claim 3.

Claim 18

A computer program according to claim 17, wherein said control file includes the information for identifying said installer program and the information indicating the place where said installer program is stored. See the rejection for claim 4.

Claim 19

A computer program according to claim 18, wherein said computer program when executed causes said computer system to further perform the step of:

setting the install agent of each of said first computer and said second computer to start at the time of activating of each of said first computer and said second computer from said management computer. See the rejection for claim 5.

Claim 20

A computer program according to claim 19, wherein before loading an installer program, switching on the power supply of each of said first computer and said second computer under the control of said management computer. See the rejection for claim 6.

Claim 21

A computer program according to claim 20, wherein said control file includes the ID information indicating whether the install work is to be carried out or not, and wherein said computer program when executed causes said computer system to further perform the step of:

determining whether the install agent of each of said first computer and said second computer conducts the install work based on said ID information. See the rejection for claim 7.

Claim 22

A computer program according to claim 17, wherein said control file includes key information for permitting said target program to be installed. See the rejection for claim 8.

Claim 23

A computer program according to claim 22, wherein said computer program when executed causes said computer system to further perform the step of:

determining whether said target program is to be installed for each of said first

Art Unit: 2193

computer and said second computer according to said key information. See the rejection for claim 9.

Claim 24

A computer program according to claim 23, wherein said key information contains an identifier of a computer for which said target program is permitted to be installed, and said substep of determining whether said target program is to be installed includes the substep of comparing the identifier of each of said first computer and said second computer with the identifier contained in said key information. See the rejection for claim 10.

Claim 25

A computer program according to claim 24, wherein said identifier is a unique address information assigned to the controller board of a computer for coupling to said storage system via a network. See the rejection for claim 11.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

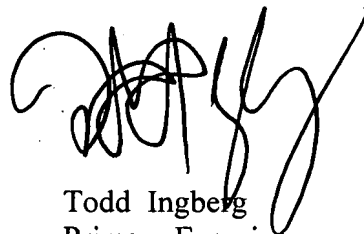
Art Unit: 2193

Correspondence Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Todd Ingberg
Primary Examiner
Art Unit 2193

TI